REMARKS

The December 22, 2006 Final Office Action was based upon pending Claims 9-14 and 16-21. This Response amends Claims 9 and 16 and adds new Claims 22-26 as indicated above. Thus, after entry of this Amendment, Claims 9-14 and 16-26 are pending and presented for further consideration.

Claim Rejections

The Examiner provisionally rejected Claims 9-14 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 23-25 and 27-29 of Applicant's co-pending U.S. Patent Application No. 10/758,952.

The Examiner rejected Claims 9-14, 16 and 18-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,978,236 issued to Faberman, et al. ("the Faberman patent") in view of U.S. Patent No. 5,621,299 issued to Krall ("the Krall patent").

In addition, the Examiner rejected Claim 17 under 35 U.S.C. § 103(a) as being unpatentable over the Faberman patent and the Krall patent, and further in view of U.S. Patent No. 6,170,062 issued to Henrie ("the Henrie patent").

Provisional Double Patenting Rejection of Claims 9-14

Applicant acknowledges the provisional double patenting rejection; however, since no claims in the co-pending application have been allowed, a terminal disclaimer is not yet appropriate. Applicant will submit a terminal disclaimer when the identified claims have been allowed in both applications if the claims have not otherwise been amended to overcome the double patenting rejection.

Rejection of Claims 9-14 and 16-21 under 35 U.S.C. § 103(a)

The Examiner rejected Claims 9-14, 16 and 18-21 under 35 U.S.C. § 103(a) as being unpatentable over the Faberman patent in view of the Krall patent. The Examiner also rejected Claim 17 under 35 U.S.C. § 103(a) as being unpatentable over the Faberman patent and the Krall patent, and further in view of the Henrie patent.

Independent Claim 9

Applicant respectfully submits that the amended Claim 9 is patentably distinguished over the Faberman patent and the Krall patent. In particular, the Faberman patent and the Krall patent do not teach charging an internal battery by linearly regulating a series-connected transistor with an adjustable voltage at a control terminal of the transistor such that the level of current provided to the internal battery is controlled by the level of the adjustable voltage.

The Faberman patent appears to disclose switching techniques (e.g., duty cycle modulation, pulse width modulation, frequency modulation) in which current provided to a battery is determined by durations that a switch is on. Referring to Figure 5 of the Faberman patent, a switch S1F is turned on and off at predetermined voltage levels associated with the on and off logics and at a desired duty cycle to conduct current pulses which are smoothed (or averaged) by an inductor to charge a battery. The level of current charging the battery is controlled by the durations that the switch is on.

The Krall patent also shows an on/off switch 15 for connecting to batteries 11, 13. Referring to Figure 1, the on/off switch 15 is controlled by an actuator that also controls other switches 14, 16. The on/off switch does not appear to regulate (or have control over) current levels to the batteries 11, 13.

Because the references cited by the Examiner do not disclose, teach or suggest linearly regulating a transistor with an adjustable voltage at a control terminal of the transistor such that the level of current provided to an internal battery is controlled by the level of the adjustable voltage, Applicant asserts that Claim 9 is not obvious in view of the Faberman patent and the Krall patent. Applicant therefore respectfully submits that Claim 9 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 9.

Dependent Claims 10-14

Claims 10-14, which depend from Claim 9, are believed to be patentable for the same reasons articulated above with respect to Claim 9, and because of the additional features recited therein.

Independent Claim 16

Although Claim 16 has different language than Claim 9, Claim 16 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Dependent Claims 17-21

Claims 17-21, which depend from Claim 16, are believed to be patentable for the same reasons articulated above with respect to Claim 16, and because of the additional features recited therein.

New Claims 22-26

New Claims 22-26 have been added to more fully define the Applicant's invention and are believed to be fully distinguished over the prior art of record.

Conclusion

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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